

REMARKS

Claims 1-21 are currently active.

It is brought to the attention of the Examiner that the corresponding European patent application has been allowed. A copy of the Notice to Grant from the European Patent Office with the claims in a form essentially as filed is enclosed.

The Examiner has objected to the claims for various informalities. The claims have been amended to obviate these informalities. The length indicator is appended to each stripe since only the stripes are sent within the switch.

The Examiner has rejected Claims 1-5 and 7-13 has been unpatentable over Sindhu in view of Isono. Applicants respectfully traverse this rejection.

In the Office Action in paragraph 4, the Examiner refers to the claim language "the port cards sending stripes of corresponding fragments of each packet (see figure 3 back data handler 302) to the fabric (see column 6, lines 57-65; data handler 302 of the multi port divides the packets received into fixed length cells and sends to the input switch A1)". It must be stressed that the Examiner has not quoted the claim language properly and has instead

misstated the claim language with the limitation "the fabric". The claim language of Claim 1 in pertinent part has the language "the port cards sending stripes of corresponding fragments of each packet to each of the fabrics" (emphasis added). It is the limitation of "each of the fabrics" that is missing from the Examiner's statement which is not taught or suggested by the applied art of record.

The Examiner cites column 6, lines 57-65 of Sindhu for teaching the claim limitation of "the port cards sending stripes of corresponding fragments of each packet to each of the fabrics". Referring to column 6, lines 57-65, Sindhu teaches packets are received at line input interface 300. As the packets are received, data handler 302 divides the packets received into fixed links cells. As the data handler divides the incoming packets into fixed length cells, it synchronously outputs the cells to input switch 100 through input switch interface 304.

As is clear from this teaching of Sindhu, there is only a single switch. Claim 1 of applicants has the limitation of a plurality of fabrics. Moreover, all of the cells taught by Sindhu are sent to the single switch, as shown in figure 38. Furthermore, there are no stripes of corresponding fragments of each packet being sent to each of the fabrics. Each cell taught by Sindhu is being sent to only one switch. The limitation of sending stripes of corresponding fragments of each packet to each of the fabrics requires a showing in the prior art that some

part of each packet is going to each fabric, not to just one switch as taught by Sindhu. Stripes of corresponding fragments of each packet are not simply a stream of cells, as taught by Sindhu. For all these reasons, Sindhu does not teach or suggest, or have anything at all to do with the limitations of Claim 1.

In regard to Isono, the Examiner recognizes that Sindhu only teaches a single fabric, but relies on Isono for the teaching that there is a plurality of fabrics. However, Isono fails to teach anything at all about stripping of the packets let alone sending stripes of corresponding fragments of each packet to each of the fabrics. This limitation is simply missing from the applied art of record. At best, what the Examiner suggests is the individual stream of cells are sent to one switch while another stream of cells is sent to another switch. But nowhere is there any consideration, teaching or suggestion of taking stripes of corresponding fragments of each packet and sending them to each fabric, which means that each fabric receives a fragment of each packet. Accordingly, the fact that Isono teaches a plurality of fabrics in combination with the teachings of Sindhu still does not arrive at this key limitation, and Claim 1 is patentable over the applied art of record. Claims 2-5 are dependent to parent Claim 1 and are patentable for the reasons Claim 1 is patentable.

Furthermore, there must be some teaching in the references themselves the Examiner is relying upon to combine the teachings to arrive at applicants' claimed invention,

and here, there is none. In fact, this follows since Sindu utilizes an architecture that teaches only a single fabric, while Isono uses an architecture involving a plurality of fabrics. There is no reason why one skilled in the art would take two disparate architectures and attempt to combine them. One skilled in the art would know that it would require significant development and guesswork to take the architecture of Isono involving a plurality of fabrics and replace the architecture of Sindu that only utilizes a single fabric.

Furthermore, the teachings the Examiner relies upon in the respective references cannot be taken out of the context in which they are found. The context of Sindu is an architecture of a single fabric, while the context of Isono is a plurality of fabrics. It is within these contexts that the respective systems are functional. To simply take the plurality of fabrics taught by Isono and say it would be obvious to apply to Sindu, ignores the entire context in which the respective teachings are found.

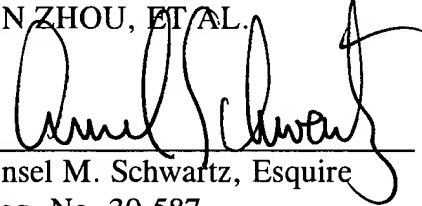
It is respectfully submitted the Examiner is using hindsight to combine these references to arrive at applicants' claimed invention. However, hindsight is not patent law. The Examiner is using the elements of Claim 1 as a road map to find the different elements in the various references, and having found the various elements, concludes that the claimed invention is arrived at.

Claim 7 is patentable for the reasons Claim 1 is patentable. Claims 8-13 are dependent to parent Claim 7 and are patentable for the reasons Claim 7 is patentable. The Examiner has determined that Claims 6 and 14-21 are allowable if rewritten in independent form with all the limitations of their base claim and any intervening claims.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-21, now in this application be allowed.

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Urkunde Certificate Certificat

Es wird hiermit bescheinigt, daß für die in der beigefügten Patentschrift beschriebene Erfindung ein europäisches Patent für die in der Patentschrift bezeichneten Vertragsstaaten erteilt worden ist.

It is hereby certified that a European patent has been granted in respect of the invention described in the annexed patent specification for the Contracting States designated in the specification.

Il est certifié qu'un brevet européen a été délivré pour l'invention décrite dans le fascicule de brevet ci-joint, pour les Etats contractants désignés dans le fascicule de brevet.

Europäisches Patent Nr.

European Patent No.

Brevet européen n°

1179929

Patentinhaber

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Europäisches Patentamt

European Patent Office

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(11)

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EUROPEAN PATENT SPECIFICATION

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of the grant of the patent:
01.06.2005 Bulletin 2005/22

(51) Int Cl.7: **H04L 12/56, H04L 29/06**

(21) Application number: **01306819.2**

(22) Date of filing: **09.08.2001**

(54) Transferring and queueing length and data as one stream in a packet switch

Übertragung und puffern der Länge und Daten als einen Strom in einer Paketvermittlungseinrichtung

Transférance et mémorisation de la longueur et les données comme un flux dans un commutateur de paquets

(84) Designated Contracting States:
DE FR GB IT NL SE

(30) Priority: **11.08.2000 US 637049**

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(56) References cited:
EP-A- 0 569 173 EP-A- 1 009 132
WO-A-98/27660 US-A- 5 910 928

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Application No. 01 306 819.2 - 1244	Ref. P/63124.EPP	Date 07.04.2004
Applicant Marconi Intellectual Property (Ringfence) Inc.		

Communication under Rule 51(4) EPC

You are informed that the Examining Division intends to grant a European patent on the basis of the above application with the text and drawings as indicated below:

In the text for the Contracting States:

AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU MC NL PT SE TR

Description, Pages

3-35 as originally filed
1, 2, 2a, 36 received on 19.01.2004 with letter of 14.01.2004

Claims, Numbers

1-21 received on 19.01.2004 with letter of 14.01.2004

Drawings, Sheets

1/8-8/8 as originally filed

With the following amendments to the above-mentioned documents by the examining division

Description, Pages 2,2a3),4,284)
Claims, Numbers 11),34),72),85),134),154),165)

Comments

1) Article 84 and Rule 29(1) EPC

memory mechanism (18);
the switch characterized
in that:

WHAT IS CLAIMED IS:

1. A switch (10) for switching packets (11), each
5 packet (11) having a length, ~~characterized by:~~ ^{the switch comprising}

a port card (12) which receives packets (11) from
and sends packets (11) to a network (16); and

10 fabrics (14) connected to the port card (12)
which switch the packets (11), ^{the} port card (12) sending
stripes of corresponding fragments of each packet to the
fabrics, ~~each fabric (14) having a memory mechanism (18)~~
each fabric (14) having a mechanism for determining the
15 length of each packet (11) ^{from the stripes of fragments (26) of the packet (11)} received by the fabric (14) and
placing a length indicator (22) with the packet (11) so
when the packet (11) is stored in the memory mechanism
(18), the determining mechanism (20) can identify from the
length indicator (22) how long the packet (11) is and where
20 the packet (11) ends in the memory mechanism (18).

2. A switch (10) as described in Claim 1
characterized by the fact that the determining mechanism
(20) includes an aggregator (24) which receives the stripes
25 of the packet (11) fragments (26) from the port card (12),
determines the packet (11) length and appends packet (11)
length information (28) to the beginning of the packet (11)
in the length indicator (22).

30 3. A switch (10) as described in Claim 2
characterized by the fact that the memory mechanism (18)
includes a memory controller (30), the aggregator (24)
sending the packet (11) with the packet (11) length

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